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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,569	08/31/2001	Bertrand Berthelot	1807.1743	9399

			EXAMINER
5514	7590	11/08/2005	STEVENS, ROBERT

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ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/942,569	BERTHELOT ET AL.
	Examiner	Art Unit	
	Robert M. Stevens	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 August 2005</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-18</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: **Application No. 09/942,569** RCE filed

8/19/2005 to the original application filed 8/31/2001 by Berthelot et al. entitled "Method and

Device for Adapting the Content of Documents of an Information Server".

2.   The Office withdraws all previous objections/rejections raised, in light of the amendment.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claims 1-18 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Tso (US

Patent No. 6,959,318, filed Mar. 6, 1998 and issued Oct. 25, 2005, hereafter referred to as "Tso")

in view of Dutta et al (US Patent No. US 6,615,212, filed Aug. 19, 1999 and issued Sep. 2, 2003,

hereafter referred to as "Dutta").

        Regarding independent method claim 1, Tso discloses:

> *A method of providing content of documents via a network, comprising the steps*
> *of:*
> *   transcoding a first content into a second content according to each of a*
> *plurality of characteristics, said transcoding of said first content taking place*
> *before a reception of a request for access to said first content;* (col. 6 lines 45-65,
> esp. lines 49-61 discussing actions prior to client request)

>*receiving a request for access to a said first content from a user terminal,*
said access request beginning a communication session; (Abstract, col. 6 lines
45-65 and col. 9 lines 12-18)
>*... ; and*
>*sending said second content corresponding to the derived characteristic to*
said user terminal in response to said access request. (col. 6 lines 45-65, esp.
lines 54-63)

Tso, however, does not explicitly disclose:

>*... :*
>>*... ;*
>>*... ;*
>>*deriving a characteristic contained in said access request; and*
>>*... .*

Dutta, though, discloses:

>*... :*
>>*... ;*
>>*... ;*
>>*deriving a characteristic contained in said access request;* (Abstract,
discussing a determination that a client does not have the necessary processing
software) *and*
>>*... .*

It would have been obvious to one of ordinary skill in the art at the time of the invention

to apply the teachings of Dutta for the benefit of Tso, because to do so would have allowed a

transcoding system designer to increase processing efficiency, as taught by Dutta in the Abstract

and col. 2 lines 33-36. These references were all applicable to the same field of endeavor, i.e.,

transcoding of data.

Regarding claim 2, which is dependent upon claim 1, Tso further discloses:

>*wherein the transcoding step is interrupted on reception of a request for*
access to the first content. (Abstract and Fig. 3 #25 and #16)

Regarding claim 3₁, which is dependent upon claim 1, Tso further discloses:

> *wherein, at the transcoding step, content of all documents situated on an information server is transcoded according to said characteristics.* (col. 6 lines 35-65, esp. lines 45-65 discussing "some or all")

Claim 3₂ is substantially similar to claim 3₁, and therefore likewise rejected.

Regarding claim 4₁, which is dependent upon claim 1, Tso further discloses:

> *wherein, at the transcoding step, content of only some documents situated on an information server is transcoded according to said characteristics.* (col. 6 lines 35-65, esp. lines 45-65 discussing "some or all")

Claim 4₂ is substantially similar to claim 4₁, and therefore likewise rejected.

Regarding claim 5₁, which is dependent upon claim 1, the limitations of claim 1 have been previously discussed:

Tso, however, does not explicitly disclose:

> *further comprising a step of determining an order of processing for the transcoding of content situated on an information server.*

Dutta, though, discloses:

> *further comprising a step of determining an order of processing for the transcoding of content situated on an information server.* (Abstract, discussing a determination of whether or not to transcode a first format into second format)

It would have been obvious to one of ordinary skill in the art at the time of the invention

to apply the teachings of Dutta for the benefit of Tso, because to do so would have allowed a

transcoding system designer to increase processing efficiency, as taught by Dutta in the Abstract

and col. 2 lines 33-36. These references were all applicable to the same field of endeavor, i.e.,

transcoding of data.

Claim 5₂ is substantially similar to claim 5₁, and therefore likewise rejected.

Regarding claim 6₅₋₁ Tso further discloses:

> *wherein, at the determination step, the order of processing of the content*
> *is determined according to frequency of access to the content on the information*
> *server.* (col. 8 lines 33-55 discussing access probabilities, in context of col. 6 lines
> 35-67)

Claim 6₅₋₂ is substantially similar to claim 6₅₋₁, and therefore likewise rejected.

Regarding claim 7₆₋₅₋₁, Tso further discloses:

> *wherein only some content having a frequency of access greater than a*
> *threshold amount are transcoded.* (col. 8 lines 33-55 discussing access
> probabilities, in context of col. 6 lines 35-67)

Claim 7₆₋₅₋₂ is substantially similar to claim 7₆₋₅₋₁, and therefore likewise rejected.

Regarding claim 8₅₋₁ Tso further discloses:

> *wherein, at the determination step, the order of processing of the content is determined according to a tree of the content on the information server.* (col. 6 lines 35-65, esp. lines 45-51 discussing HTML document processing, it being well-known in the art that HTML documents are abstracted as tree data structures having the document content represented by the nodes of the tree)

Claim 8₅₋₂ is substantially similar to claim 8₅₋₁, and therefore likewise rejected.

Regarding claim 9₁, Tso further discloses:

> *wherein, at the deriving step, the characteristic contained in said access request is chosen amongst characteristics of a terminal of said user, characteristics of a communication network between said user and an information server, and characteristics peculiar to the user.* (Abstract and col. 4 lines 36-61)

Claim 9₂ is substantially similar to claim 9₁, and therefore likewise rejected.

Regarding claim 10₁, Tso further discloses:

> *further comprising a step of eliminating said transcoded content at the end of the communication session between said user terminal and an information server.* (col. 10 lines 1-40)

Claim 10₂, which is dependent upon claim 2, is substantially similar to claim 10₁, and therefore likewise rejected.

Claim 11 is directed to a device comprised of the means for implementing the method of

claim 1. As such claim 11 is substantially similar to claim 1, and therefore likewise rejected.

Claim 12 is substantially similar to claim 5 (i.e., claims 5_1 and 5_2), and therefore likewise

rejected.

Claims 13_1 and 13_2 are substantially similar to claims 10_1 and 10_2, respectively, and

therefore likewise rejected.

Regarding claim 14_{11}, which is dependent upon claim 11, the limitations of claim 11

have been previously discussed.

Tso, however, does not explicitly disclose:

> *wherein said receiving means, said analyzing means, and said transcoding means*
> *are incorporated in:*
>> *a microprocessor;*
>> *a read only memory adapted to store a program for transcoding the*
> *content of documents; and*
>> *a random access memory comprising: registers transcoded to store*
> *variables modified during the running of said program.*

Dutta, though, discloses:

> *wherein said receiving means, said deriving means, and said transcoding means*
> *are incorporated in:*
>> *a microprocessor;* (Fig. 3 #302)
>> *a read only memory adapted to store a program for transcoding the*
> *content of documents;* (Fig. 3 #330) *and*

a random access memory comprising: registers transcoded to store
variables modified during the running of said program. (Fig. 3 #304)

It would have been obvious to one of ordinary skill in the art at the time of the invention

to apply the teachings of Dutta for the benefit of Tso, because to do so would have allowed a

transcoding system designer to increase processing efficiency, as taught by Dutta in the Abstract

and col. 2 lines 33-36. These references were all applicable to the same field of endeavor, i.e.,

transcoding of data.

Claim 14$_{12}$, which is dependent upon claim 12, is substantially similar to claim 14$_{11}$, and

therefore likewise rejected.

Claim 15$_1$ is directed to a server comprised of the means for implementing the method of

claim 1. As such claim 15$_1$ is substantially similar to claim 1, and therefore likewise rejected.

Claim 15$_2$ is directed to a server comprised of the means for implementing the method of

claim 2. As such claim 15$_2$ is substantially similar to claim 2, and therefore likewise rejected.

Claim 16$_1$ is directed to a communication network comprising at least one server

comprised of the means for implementing the method of claim 1. As such claim 16$_1$ is

substantially similar to claim 1, and therefore likewise rejected.

Claim 16_2 is directed to a communication network comprising at least one server

comprised of the means for implementing the method of claim 2. As such claim 16_2 is

substantially similar to claim 2, and therefore likewise rejected.

Claim 17_1 is directed to a computer program on a computer readable medium for

implementing the method of claim 1. As such claim 17_1 is substantially similar to claim 1, and

therefore likewise rejected.

Claim 17_2 is directed to a computer program on a computer readable medium for

implementing the method of claim 2. As such claim 17_2 is substantially similar to claim 2, and

therefore likewise rejected.

Regarding claim 18_{13-11}, which is dependent upon claim 13_{11}, the limitations of claim

13_{11} have been previously discussed.

Tso, however, does not explicitly disclose:

> *wherein said receiving means, said analyzing means, and said transcoding means*
> *are incorporated in:*
> > *a microprocessor;*
> > *a read only memory adapted to store a program for transcoding the*
> > *content of documents; and*
> > *a random access memory comprising: registers transcoded to store*
> > *variables modified during the running of said program.*

Dutta, though, discloses:

> *wherein said receiving means, said deriving means, and said transcoding means*
> *are incorporated in:*
> > *a microprocessor;* (Fig. 3 #302)

> *a read only memory adapted to store a program for transcoding the*
> *content of documents;* (Fig. 3 #330) *and*
> *a random access memory comprising: registers transcoded to store*
> *variables modified during the running of said program.* (Fig. 3 #304)

It would have been obvious to one of ordinary skill in the art at the time of the invention

to apply the teachings of Dutta for the benefit of Tso, because to do so would have allowed a

transcoding system designer to increase processing efficiency, as taught by Dutta in the Abstract

and col. 2 lines 33-36. These references were all applicable to the same field of endeavor, i.e.,

transcoding of data.

Claim 18$_{13-12}$ is substantially similar to claim 18$_{13-11}$, and therefore likewise rejected.

Response to Arguments

5.   Applicant's arguments filed 8/19/2005 (via RCE) have been fully considered but they are

not persuasive.

It is respectfully noted that Applicant's amendments to the claims significantly changes

the scope of the claimed invention as a whole. As such, Applicant's arguments concerning the

previous rejections of claims 1-18 under 35 USC 103(a) have been rendered moot.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

US Patents

Mighdoll et al	6,311,197
Tso et al	6,421,733
Bellwood et al	6,401,132

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Robert M Stevens whose telephone number is (571) 272-4102.

The examiner can normally be reached on M-F 6:00 - 2:30.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph H. Feild can be reached on (571) 272-4090. The current fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Additionally, the main number for Technology Center 2100 is (571) 272-2100.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert M. Stevens
Reg. No. 47,972
Art Unit 2176
Date: November 12, 2005

rms

WILLIAM BASHORE
PRIMARY EXAMINER